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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SEYE, ABDOUK

ART UNIT

PAPER NUMBER

2194

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,045

Applicant(s)

SEDOGBO ET AL.

Examiner

Abdou Karim Seye

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-6 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3-6 and 8-13 are pending in this application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 5-6 and 12-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 5-6 and 12-13 are rejected under USC 101 for being non statutory because the claimed "device"/"system" appears to be reasonably interpreted by one of ordinary skill in the art as software, per se, since the single container device would reasonably be interpreted by one of ordinary skill in the art as software, per se, failing to be tangibly embodied or include any recite hardware as part of a device . As such, it is believed that the "device"/ "system" of claims 5-6 and 12-13 is reasonably interpreted as functional descriptive material, per se. Appropriate corrections are required.

Claim Objection

Claim 3 include a method step "wherein interaction services implemented by the person-system interaction container use one at least of the following knowledge bases: a domain of application, an application, user or users, a task, modes of perception and of action offered by the terminal". Claim 1, upon which claim 3 depends, already includes this limitation. In this regard, it is not clear whether the repeat of this step in claim 3 is needed.

Applicant is required to amend claim 3 in the reply to this Office Action.

Dependent claim 9 is also affected by the objection of claim 3.

Claim 5, the following terms lack of antecedent basis:

"the modes", line 6 and 7; "the exchanges", 7; "the users", lines 7-8; "the representations", line 5

Claim 6, the following terms lack of antecedent basis:

"the actions".

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

5. Claim 5-6 and 12-13, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following claims language is unclear and indefinite:

(i) As per Claim 5, line 4, it is not clearly understood what is meant by

" all interaction representations", since it is not clear what interaction representations the applicant is referring . Appropriate clarifications are required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-6 and 8-13 are rejected under 35 U.S.C. 103 (a) as unpatentable over De Angelo (US 7010536) in view of SematicEdge, GmbH (WO 02073331).

8. As to claim 1 , De Angelo teaches the invention substantially as claimed including a method for user-system interaction independent of an application and of interaction media (abstract; col. 7, lines 24-30; "dynamic interaction"; "media"), the user-system having at least one computing layer supporting at least one representation of a terminal and at least one representation of the application (FIG. 2B; "personal Computer (Site 4)" ; wherein the personal computer is the terminal; "Server (Site 2)";

wherein the server is the application server including the application),
and having at least one user interface itself supporting a piece of software (col. 7, lines 45-50; "user interface"), comprising the steps of:

creating a single container in a four-tier architecture for interaction representations (col. 3, lines 15-35; col. 7, lines 50-57 "creating container"; FIG. 2B; wherein the system configuration is the four architecture including the user level (Site 4), application level (Site 3), server level (Site 2) and database level (containers; FIG. 2B1), the single container storing at least one of the following representations of interaction context: representation of terminals that can be used by users of the user-system, representations of modes of action, representation of modes of perception of exchanges of information by the users, representation of activity of the users, representation of context, representation of services expected (abstract; col. 3, lines 25-46; wherein the container include interaction rules/information of the user). De Angelo does not explicitly teach creating a person-system interaction container (PSIC) for interaction by using the representations to construct, adapt and manipulate knowledge bases constituting a structured representation of a context of use of the user-system, and establishing with aid of this structured representation, a dialog between users and the services of the application wherein all communications between the user interface and functions of the application are managed by the person-system interaction container, and wherein interaction services implemented by the person-system interaction container use one at least of the following knowledge bases: a domain of application, an

application, a user or users, a task, and modes of perception and of action offered by the terminal.

9. SematicEdge, GmbH teaches creating a person-system interaction container (PSIC) for interaction by using representations to construct, adapt and manipulate knowledge bases constituting a structured representation of a context of use of the user-system (page 7, lines 36-48; "personalized system"), and establishing with aid of this structured representation, a dialog between users and the services of the application wherein all communications between the user interface and functions of the application are managed by the person-system interaction container (120, FIG. 1; page 9, lines 21-53; wherein the "dialog manager" establishes the dialog), and wherein interaction services implemented by the person-system interaction container use one at least of the following knowledge bases: a domain of application, an application, a user or users, a task, and modes of perception and of action offered by the terminal (page 8, lines 50-54; "domain/application"). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify De Angelo's invention with SematicEdge, GmbH's to creating a person-system interaction container (PSIC) for interaction by using the representations to construct, adapt and manipulate knowledge bases constituting a structured representation of a context of use of the user-system, and establishing with aid of this structured representation, a dialog between users and the services of the application wherein all communications between the user interface and functions of the application are managed by the person-system interaction container, and wherein interaction services implemented by the person-system

interaction container use one at least of the following knowledge bases: a domain of application, an application, a user or users, a task, and modes of perception and of action offered by the terminal.. One would have been motivated to creating a person-system interaction container (PSIC) for interaction by using the representations to construct, adapt and manipulate knowledge bases constituting a structured representation of a context of use of the user-system, and establishing with aid of this structured representation, a dialog between users and the services of the application wherein all communications between the user interface and functions of the application are managed by the person-system interaction container, and wherein interaction services implemented by the person-system interaction container use one at least of the following knowledge bases: a domain of application, an application, a user or users, a task, and modes of perception and of action offered by the terminal, because it would increase the efficiency of the De Angelo's system by providing an information gathering phase, before a user can talk directly with a human call center operator, especially when all the lines are busy.

10. As to claim 3, it is rejected for the same reasons as claim 1 above.

11. As to claim 4, wherein the PSIC updates and uses a log of a dialog between user and the user-system (600,FIG. 5; wherein the dialogue archive include the log of the dialog).

12. As to claim 5, it is rejected for the same reasons as claim 1 above.

13. As to claim 6, SematicEdge, GmbH teaches a subset for analyzing events represented by the actions of users on interfaces, a subset for taking account actions of users and for managing interaction, a subset for communicating with the applications server, a subset of filters, an adapter and mode selector subset and a subset of converters for usage interfaces (505, FIG. 5; "NLP Analyser"; (545, FIG. 5; "Normalized dialog"/action/interaction; page 28, lines 25-52; "filter"). One would have been motivated to have wherein the container device comprises a subset for analyzing events represented by the actions of users on interfaces, a subset for taking account actions of users and for managing interaction, a subset for communicating with the applications server, a subset of filters, an adapter and mode selector subset and a subset of converters for usage interfaces, because it would increase the efficiency of the De Angelo's system by providing an information gathering phase, before a user can talk directly with a human call center operator, especially when all the lines are busy.

14. As to claim 8, SematicEdge, GmbH teaches wherein the PSIC updates and uses a log of a dialog between a user and the system (abstract; page 9, lines 5-20; wherein shaping the current interaction and the dialog include updating log of the dialog).

15. As to claim 9, it is rejected for the same reasons as claim 8 above..

16. As to claim 10, De Angelo teaches, wherein the applications and the interfaces are kept separated (FIG. 2B; wherein the "web application (Site 3)/containers" and "personal computer/containers/interfaces" are kept separated).

17. As to claim 11, De Angelo teaches the user's interface (col. 7, lines 45-50; "user interface") . SematicEdge, GmbH teaches the PSIC which interprets any action on the interface and the PSIC generates calls to the application (FIG. 5; page 7, lines 36-48). One would have been motivated to have wherein the user's interface is provided by the PSIC which interprets any action on the interface and the PSIC generates calls to the application, because it would increase the efficiency of the De Angelo's system by providing an information gathering phase, before a user can talk directly with a human call center operator, especially when all the lines are busy.

18. As to claim 12, it is rejected for the same reasons as claim 10 above.

19. As to claim 13, it is rejected for the same reasons as claim 11 above.

Response to Arguments

20. In the remarks section applicant argue in substance that :

(1) De Angelo failed to suggest "management of the interaction between a determined user class and a computing system", as recited in applicants' claims.

As to point (1) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., management of the interaction between a determined user class and a computing system) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdou Karim Seye whose telephone number is 571-270-1062. The examiner can normally be reached on Monday - Friday 8:30 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sough Hyung can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hyung S. Sough/
Supervisory Patent Examiner, Art Unit 2194
10/30/09

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